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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/259,589	03/01/1999	DAVID JOHN MARTIN PATTERSON	06502.0225	5471

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EXAMINER

TANG, KENNETH

ART UNIT	PAPER NUMBER
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2127

DATE MAILED: 01/21/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/259,589

Applicant(s)

PATTERSON, DAVID JOHN
MARTIN

Examiner

Kenneth Tang

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 2.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This non-final action is in response to paper number 7, Amendment B, which was received on 5/12/03. Claims 1-21 are presented for examination.
2. Applicant's arguments have been fully considered but are now moot in view of the new grounds of rejections.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "to provide an indication to the first process of an expected time before the resource will become available determined based on a call duration value associated with the second process", **"resource manager"**, **"first process"**, and **"second process"** must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 10, 11, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chorn (US 6,275,843), in view of Abe et al. (hereinafter Abe) (US 6,052,695), in further view of Simor (US 5,060,150), and further in view of Patterson (EP 0 964 332 A1).

5. Referring to claims 1, 10, 11 and 17, Chorn discloses the following system:

- A resource manager operable to control the allocation of a resource to competing computing processes (*"Resource Manager provides access to a resource"*, col 7, lines 8-10, Figure 1, 16 and 36).
- The resource manager responds to identification of a thread for the first process requesting resource allocation (*"thread identifiers" used to "manage its resources for the processing"*, col 14, lines 36-43, and *"first service request"*, Fig 4, 102, and col 9, lines 50-54);

Chorn fails to explicitly teach a joining function that notifies a resource manger with at least a first and second process, where there is termination of thread for second process to allocate the resource to the thread for the first process. However, Abe teaches this limitation (*in column 27, lines 40-47*). In there he teaches of returning the output completion notification of the second thread. When this notification is received, the second log processing thread (65-M) terminates its own processing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include this feature to the existing system of Chorn for the reason of increasing control by

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knowing when an existing thread is finished processing so that a new one can start processing.

Chorn also fails to teach that after termination of thread for a second process, the resource of the first process is allocated. However, Simor discloses a "Process Termination Monitor" that allows for resource allocation after the process has been terminated (*col 17, lines 55-62*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include this resource allocation feature to the existing system for the reason of being able to distribute resources to various locations.

Chorn teaches a resource manager that coordinates multiple processes but fails to explicitly teach that a process could have an expected call duration time value. However, Patterson teaches that the length of time for which the resource would be allocated to the process is expected (*"A resource manager operable to control allocation of a resource to competing computing processes, the resource manager being configured to be operable to respond to a request from a first process for allocation of the resource and, when the resource is already allocated to a second process, to provide an indication to the first process of the expected time before the resource will become available."*, see Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of having an indication to a process of an expected time value before another process is performed to the existing system for the reason of improving the scheduling of the system by knowing beforehand the length time value of a particular process so that it can be determined when the next process should be started.

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6. Claims 2-7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chorn (US 6,275,843) in view of Abe (US 6,052,695), in further view of Simor (US 5,060,150), and in further view of Hoffpauir (US H1,896).

7. Referring to claim 2, Chorn in view of Abe fails to explicitly teach a resource manager comprising an object-oriented computer software operable in an object-oriented environment. However, Hoffpauir teaches that a “resource manager application 58 is preferably implemented in software using object-oriented programming” (*col 13, lines 8-11*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include using object-oriented software to the existing combination system for the reason of increasing the efficiency of code from reusability benefits of object orientation.

8. Referring to claim 3, Chorn in view of Abe fails to explicitly teach the processes having software applications operable in the objected oriented environment. However, Hoffpauir teaches having “various software processes or applications that include software objects” (*col 9, lines 1-5*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of having software applications operable in the objected oriented environment to the existing combination system for the reason of increasing the efficiency of code from reusability benefits of object orientation.

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9. Referring to claims 4 and 5, the reference of Hoffpauir teaches that “various computer software objects may be developed using virtually any computer programming language but will preferably be developed using a computer language designed for object oriented programming such as C++ and JAVA” (*col 11, lines 50-55*). Hoffpauir also teaches using a single object or bean object with the resource manager (*“resource manager provides a proxy object for each object or application”, col 13, lines 12-22*). It would be obvious to use more than one object with the resource manager because it gives more opportunities for object orientation. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the feature of comprising one or more objects registrable with the resource manager and in the JAVA language to the existing combination system for the reason of increasing the efficiency of code from the reusability benefits of object orientation.

10. Referring to claim 6, Hoffpauir teaches an “object” (90) acquiring “clients” such as a “configuration management server 72, the fault management server 74, the performance management server 76, accounting management server 78 and the system management server 82” (*col 21, lines 36-43*).

11. Referring to claims 7 and 18, it is rejected for the same reasons as stated in the rejection of claim 5 from above.

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12. **Claims 8, 9, 12-15, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chorn (US 6,275,843), in view of Abe et al. (hereinafter Abe) (US 6,052,695), in further view of Simor (US 5,060,150), in view of Patterson (EP 0 964 332 A1), and further in view of Hoffpauir (H1,918).**

13. Referring to claims 8, 12 and 19, it is rejected for the same reasons as stated in the rejection of claim 1. In addition, Hoffpauir teaches a “resource manager” which controls access to a plurality of telecommunications applications such as a switching module (*Fig 2, 64*), a telephony support module 66, a signal processing module 68 and an interface module 62, where each of these modules preferably includes software and communicates with the resource manager application of the call processor 40” – connected to a telephony device 22 (*col 19, lines 58-63*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of control access by a plurality of telecommunications applications to a telephony device to the existing combination system for the reason of increasing functionality with telecommunication abilities.

14. Referring to claim 9, the reference of Abe discloses a mechanism for controlling “dispatching commands” to a “signal transmission network” (*Fig 1 and col 9, lines 48-63*).

15. Referring to claims 13 and 20, However, Hoffpauir discloses a “signaling application” which “performs various functions and provides user interfaces associated

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with various parts and protocols” (*col 13, lines 39-43*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the interface feature to the existing combination system for the reason of increasing the control by improving communication.

16. Referring to claims 14 and 21, Hoffpuir discloses “providing a modem to enable communication” for the telephony system (*col 12, lines 24-30*).

17. Referring to claim 15, Hoffpuir discloses a “call processing application” 54 from the call processor (*col 13, lines 16-21*).

18. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chorn (US 6,275,843) in view of Abe (US 6,052,695), in further view of Simor (US 5,060,150), in further view of Hoffpuir (H1,918), and further in view of Jones (US 5,193,110).

19. Referring to claim 16, the existing system fails to explicitly teach the following:

- a call answering application;
- a voicemail application;
- a facsimile application; and
- a data application.

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However, Jones discloses a “call answering” service (*col 20, lines 56-59*), a “voice mail message service” (*col 1, lines 15-24*), a “facsimile processing service” (*col 1, lines 15-24*), and a “data” from an application or “data acquisition” (*col 20, lines 1-6*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine these features to the existing combination system for the reason of increasing functionality of the system by adding more communication means.

Response to Arguments

20. *Applicant argues that the claimed limitation “to provide an indication to the first process of an expected time before the resource will become available determined based on a call duration value associated with the second process” and “resource manager” is presently shown in the drawings.*

In response, Examiner respectfully disagrees. The drawings do not even illustrate a “first process” nor a “second process.” It is not shown in the drawings how these two processes interact in the manner as claimed. Applicant also fails to point out where the “resource manager” is illustrated in the drawings.

21. *Applicant argues that Abe et al. is silent on a resource manager that provides an indication to a first process of an expected time before a resource will become available determined based on a call duration value associated with the second process (page 12) and also that Simor does not provide an indication to a first process of an expected time before a resource will become available determined based on a call duration value associated with a second process (page 13).*

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

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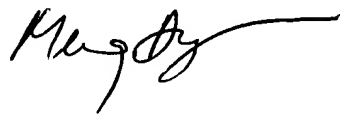
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (703) 305-5334. The examiner can normally be reached on 9:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Grant can be reached on (703) 308-1108. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 746-7140.

kt
January 9, 2004


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